

## Landscape Referral Response

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| <b>Application Number:</b>             | DA2019/0998   |
| <b>Date:</b>                           | 10/10/2019  |
| <b>Responsible Officer:</b>            | Kye Miles   |
| <b>Land to be developed (Address):</b> | Lot 22 DP 219898 , 14 Capua Place AVALON BEACH NSW 2107 |

### Reasons for referral

This application seeks consent for the following:

- Construction / development works within 5 metres of a tree or
- New residential works with three or more dwellings. (RFB's, townhouses, seniors living, guesthouses, etc). or
- Mixed use developments containing three or more residential dwellings.
- New Dwellings or

### Officer comments

The development application seeks approval for proposed additions including a detached double Garage, a small Secondary Dwelling with Deck, retaining walls and external stairs.

The proposal in terms of landscape outcome is acceptable subject to the protection of existing trees and vegetation.

A Arboricultural Impact Assessment has been prepared in accordance with DA Lodgement Requirements, and the recommendations are supported, subject to conditions.

The arboricultural assessment justifies tree removal of two high valued trees, one low valued tree, and an exempt tree. The proposed works are subject to tree protection measures to protect all existing trees proposed for retention within the site. Tree replacement is conditioned to replace existing trees to be removed.

Existing landscaping is to be retained, and this satisfies the landscape controls of Pittwater 21 DCP.

Council's Landscape section has assessed the proposal against the following Pittwater 21 DCP Controls:

B4.22 Preservation of Trees and Bushland Vegetation

C1.1 Landscaping

D1 Avalon Beach Locality

### Referral Body Recommendation

Recommended for approval, subject to conditions

### Refusal comments

## Recommended Landscape Conditions:

### CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

#### Tree protection measures

An Arborist with AQZ Level 5 qualifications in arboriculture/horticulture shall be engaged to provide tree protection measures in accordance with Australian Standard 4970- 2009 Protection of Trees on Development Sites and in accordance with the recommendations of the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees, including the following:

- site attendance, inspection and certification of tree protection measures during demolition and excavation works within the tree protection zones of trees nominated for retention: T1, T3, T7, T8, T9, T10 and T11,
- site attendance, inspection and certification of ground protection works within the tree protection zone of T7, T8, T9, T10 and T11, as per section 4.2.2 of the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees,
- all other recommendations listed under section 4. Arboricultural Method Statement prepared by Naturally Trees.

The tree protection measures and fencing specified in this clause must:

- i) be in place before work commences on the site, and
- ii) be maintained in good condition during the construction period, and
- iii) remain in place for the duration of the construction works.

Additionally, the Certifying Authority or a Project Arborist AQZ Level 5 must ensure that:

- i) the activities listed in section 4.2 of AS4970 - 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and
- ii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

The Arborist shall provide the Certifying Authority with certification details that the tree protection measures are in place at the commencement of works.

A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: to ensure intrusions into the tree protection zone are minimised to protect significant trees.

#### Tree removal

The following existing trees and vegetation within the site are granted approval for removal based on the investigation and recommendations of the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees, including the following:

- Trees numbered 2, 4, 5 and 6, subject to tree replacement within the site.

### CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

**Tree and vegetation protection**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site (including T1, T3, T7, T8, and T9) not approved for removal, excluding exempt vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties, including T10 and T11,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009,
- xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

**Protection of rock and sites of significance**

All rock outcrops outside of the approved works are to be preserved and protected at all times during demolition excavation and construction works.

Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: preservation of significant environmental features.

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

### Condition of retained vegetation

Prior to the issue of a Occupation Certificate, a report prepared by an AQF Level 5 Arborist, shall be submitted to the Certifying Authority, assessing the health and impact of trees and vegetation required to be retained as a result of the proposed works, including the following information:

- i) compliance to Arborist recommendations for tree protection and excavation works.
- ii) extent of damage sustained by vegetation as a result of the construction works.
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: to retain and protect significant planting on development sites.

### Tree replacement

Replacement tree planting shall be included within the site as follows:

Trees shall be planted in accordance with the following schedule:

| No.<br>of<br>Trees<br>Required. | Species   | Location  | Pot Size |
|---------------------------------|---|---|----------|
| Four (4)                        | A mix of Angophora costata, Corymbia maculata and Glochidion ferdinandi | within the site,<br>planted at least 5<br>metres from<br>existing or<br>proposed<br>dwellings, at<br>least 2 metres<br>from any<br>common<br>boundary, and<br>planted at least 5<br>metres from any<br>existing tree. | 75 litre |

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Occupation Certificate.

Reason: to maintain environmental amenity.

## ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

### Landscape maintenance

Any existing landscaping including trees required to be retained together with any additional landscaping required by this consent is to be maintained for the life of the development.

A 12 month establishment period shall apply for all new landscaping. If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. All planting must be maintained for the life of the development, or for their safe useful life expectancy. Planting that may die or is approved for removal must be replaced.

Reason: to maintain local environmental amenity and ensure landscaping continues to soften the built form.

**Environmental and priority weed control**

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: preservation of environmental amenity.